

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 419 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

DINESH MULJIBHAI PARMAR

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Appearance:

PUBLIC PROSECUTOR for Petitioner

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CORAM : MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE K.R.VYAS

Date of decision: 13/11/97

ORAL JUDGEMENT (Per K.R.Vyas,J.)

The State has filed the present appeal challenging the judgement and order of acquittal passed by the learned Additional Sessions Judge, Ahmedabad city, acquitting the respondents who are the husband and mother-in-law respectively of deceased Indiraben for the offence under Section 498A and Section 306 of the

I.P.C.

We have heard the learned Additional Public prosecutor Mr. D.N.Patel, who has taken us through the material evidence from the record which is before us. Having gone through the judgement and the R&P, we are of the view that no interference is called for in the judgement rendered by the trial Court. The trial Court while acquitting the respondents noted that there were number of material contradictions in the versions of the prosecution witnesses. Moreover, there was conflict in the case put up in the complaint and the dying declaration. It is held that as the witnesses were interested witnesses, their evidence is not trustworthy. In view of these findings, we see no reason to interfere, as in our view, the same cannot be termed as perverse. Since we are in agreement with the reasonings of the learned trial Judge, it is not necessary for us to reproduce the evidence and to discuss the same. In the result this appeal fails and is dismissed.

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\*/Mohandas